Case: 1:12-cv-02288-JG Doc #: 87-6 Filed: 03/18/13 1 of 13. PageID #: 1313

EXHIBIT Y

```
Page 1
1
                  UNITED STATES DISTRICT COURT
3
                   NORTHERN DISTRICT OF OHIO
5
     JANE ROE, individually and on
    behalf of all others similarly
6
     situated,
                         Plaintiffs,
7
                   vs.
     INTELLICORP RECORDS, INC., an
     Ohio corporation, and DOES 1-50,
     inclusive,
10
                         Defendants.
11
12
13
14
15
16
17
18
                  DEPOSITION OF DAVID GARRETT
19
                       New York, New York
20
                   Friday, December 14, 2012
21
22
23
24
     Job No. 56397
     Reported by:
25
     Cheryll Kerr, LSR
```

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Page 2
                               Friday, December 14, 2012
                               9:41 a.m.
7
10
11
          DEPOSITION of David Garrett, taken by
12
    Plaintiffs, pursuant to Notice, at the offices
13
    of Davis Polk, located at 450 Lexington Avenue,
14
    New York, New York 10017, held before Cheryll
15
    Kerr, LSR, a Licensed Shorthand Reporter and
16
    Notary Public within and for the State of
17
18
    New York.
19
20
21
22
23
24
25
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Page 5 1 D. Garrett The only thing I was MS. CARUSO: 3 going to put in the record is that we are reserving all objections except as to form, and Mr. Garrett is testifying today 6 on behalf of the company as to those topics as to which we have so designated him. So to the extent the questioning goes 10 beyond those topics, he would be answering 11 in his personal capacity. 12 13 DAVID GARRETT, 14 called as a witness, having been duly 15 sworn, was examined and testified 16 as follows: 17 18 THE SHORTHAND REPORTER: Please state your full name and address for the record, 19 20 sir. 21 THE WITNESS: David Garrett. The address is 4242 Elmwood, and that 22 23 is South Euclid, Ohio 44121. 24 Thank you. THE SHORTHAND REPORTER: 25 Please proceed.

```
Page 9
1
                           D. Garrett
2
     going to spend some time talking about you.
3
          Α.
                Sure.
          Ο.
                What's your current job title?
                My current job title is Director of
          Α.
6
    Application Delivery.
7
                What are some of the job functions of the
8
    Director of Application Delivery?
                I oversee the development and delivery of
9
          Α.
10
    our internal application -- internally developed
11
    software.
12
                So every software that's developed by
13
     IntelliCorp, you oversee the development and
14
    delivery of?
15
                I do.
          Α.
16
                Does this include any application is
          Q.
17
    developed by the data -- data loading team?
18
                No, that it does not.
          Α.
19
                Are there any other exceptions to this
          Ο.
20
    internal -- internally developed applications?
21
                    MS. CARUSO: Objection as to form.
22
    BY MR. KIM:
23
                Are there any other exceptions to this
24
    "internally developed applications" that you
25
    oversee?
```

```
Page 15
 1
                           D. Garrett
 2
          0.
                 Does your department use any version
 3
     control software?
          Α.
                We do.
                And what do you use?
          0.
                We use Microsoft Team Foundation Server.
          Α.
          0.
                How long have you used that?
                We've been using it since -- I want to
          Α.
9
     say -- you know, I don't remember the exact date.
10
                Well, give me your best estimate, please.
          Q.
11
                I would say we've been using it for at
          Α.
12
     least four or five years.
13
                What college did you attend, Mr. Garrett?
          Q.
14
                I went to Hiram College.
          Α.
15
                And what was your major?
          0.
16
                Political science.
          Α.
17
                Well, it's kind of a science. Did you
          0
18
    attend any other school after that?
19
                I am currently attending Case Western
20
     Reserve.
21
                And what are your -- what is your
          Ο.
22
     concentration there?
23
                I am in the executive MBA program.
          Α.
24
                Do you have any formal training in
25
    computer science?
```

```
Page 16
 1
                           D. Garrett
 2
          Α.
                Define "formal."
 3
                Attending any structured educational
          0.
     institution.
                                 Objection as to the
                     MS. CARUSO:
               form. You can answer, if you can.
                                   Sure.
                                           I don't have
                     THE WITNESS:
               any --
                     Well, I have taken some collegiate
10
               classes.
11
    BY MR. KIM:
12
                Are you familiar with any programming
          0.
13
     languages?
14
          Α.
                Yes.
15
                What are those?
          0.
16
                The ones I have used most recently would
          Α.
17
    be C# and VB.NET. I have in the past used Python,
18
    BB6, a little bit of C++.
19
                Just for the record, I believe you said
20
     "VB," correct, not BB?
21
                               Short for Visual Basic.
                Correct, VB.
          Α.
22
                Do you have any familiarity with SQL?
          Ο.
23
                Yes, stands for Structured Query
          Α.
24
    Language.
25
                    (Informal discussion held off the
```

```
Page 17
1
                           D. Garrett
             record.)
3
    BY MR. KIM:
                Does IntelliCorp internally developed
          O.
5
    application include any language or technology that
6
    you, yourself are not familiar with?
                I would say that the applications
    developed by my team -- I am familiar with the
8
     technologies we've used to put them together.
10
                So let's just make sure that's clear.
          Q.
11
          Α.
                Sure.
12
                You are not familiar with the products
          Q.
13
    developed by the data loading team?
14
                    MS. CARUSO: Objection as to form.
15
               You can answer, if you can.
16
                                   Yeah, I was not
                    THE WITNESS:
17
               involved in the development of any
18
               software put together by the data loading
19
               team.
20
    BY MR. KIM:
21
                Okay. Do you have any knowledge
          Q.
22
    whatsoever?
23
                    MS. CARUSO: Objection as to form.
24
    BY MR. KIM:
25
                Did you have any knowledge whatsoever of
          Q.
```

```
Page 18
1
                           D. Garrett
     the technology used to put together the data loading
3
     team development technology?
                Can you repeat that again?
          Α.
                        That wasn't clear.
                Yeah.
          Q.
          Α.
                All right.
                Are you familiar in any way with the
7
          Q.
8
    technology used by the data loading team to develop
9
    their own product?
10
                Well, when you mean "products," can you
          Α.
    be a little more clear about that?
11
12
                Oh, okay. Let me throw the question back
          0.
13
    at you.
          What are some of the softwares or scripts
14
15
    written by data loading team that you are aware of?
16
                The data loading team primarily creates
          Α.
17
               I guess "scripts" would probably be the
    mapping.
18
    best word for it, to load data.
19
                Can you be specific as to loading data
20
    from where to where?
21
                They would take it from our data sources
          Α.
22
    and load it into our internal databases.
23
                And what platform do they use for that?
          Ο.
24
                I believe today they are using Pervasive.
          Α.
25
                Are you familiar with Pervasive?
          Q.
```

```
Page 19
1
                           D. Garrett
2
          Α.
                Only in very general terms.
3
                       Turn to page 3 of your LinkedIn
4
     profile marked as Plaintiff's Exhibit 33.
5
          In the middle of the page, your skills and
     expertise --
7
          Α.
                Yes.
8
                -- includes HTML and XML; is that
          0.
9
     correct?
10
                That's correct.
          Α.
11
                Okay, so now I am going to ask you to do
          Q.
12
    most of the talking now to help us understand how
13
     IntelliCorp's system functions.
14
          Let's start from the very first screen where
15
     the user of the system would make an input and
16
     initiate a query or initiate a search.
17
          Can you walk us through and explain what
18
    programs are involved or what scripts are involved,
19
    what databases are being either by select, update,
     insert statements, and discuss any stored procedures
20
21
    or triggers, SQL triggers that would be involved in
22
     the process?
23
                    MS. CARUSO: Objection as to form.
24
               know you are trying to lay it out for him.
25
               I know -- he's not going to be able to
```

	Page 203
1	
2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	; ss.
6	COUNTY OF NEW YORK)
7	
8	I, CHERYLL KERR, LSR, a Notary Public within
9	and for the State of New York, do hereby certify:
10	That DAVID GARRETT, the witness whose
11	deposition is hereinbefore set forth, was duly
12	sworn by me, and that such deposition is a true
13	record of the testimony given by such witness.
14	I further certify that I am not related to
15	any of the parties to this action by blood or
16	marriage; and that I am in no way interested in
17	the outcome of this matter.
18	IN WITNESS WHEREOF, I have hereunto set my
19	hand this 20th day of December, 2012.
20	
21	
22	
23	
24	
25	CHERYLL KERR, LSR

ERRATA

Name of Witness:

David Garrett

Date of Deposition:

December 14, 2012

Name of Case:

Roc v. Intellicorp Records, Inc.,

Case No. 1:12-cv-02288-JG

Reported by:

Cheryl Kerr

Job No.:

563967

I wish to make the following changes for the following reasons:

Page/Line	Change	Reason
P.9 / L.16	Insert "that" between "application" and "is"	Transcription error
P.9 / L.23	Change "this" to "these"	Grammatical error
P.14 / L.6	Delete "have"	Transcription error
P.17/L.4-6	Change "Does Intellicorp internally developed application" to "Do Intellicorp's internally developed applications"	Transcription error
P.24 / L.18	Change "then" to "them"	Transcription error
P.31 / L.4	Change "form" to "foreign"	Transcription error
P.31 / L.14	Change "lending" to "landing"	Transcription error
P.41 / L.16	Change "bullion" to "boolean"	Transcription error
P.42 / L.20	Change "thousand" to "thousands"	Transcription error
P.42 / L.21	Change "thousand" to "thousands"	Transcription error
P.44 / L.9	Change "locker" to "blocker"	Transcription error
P.48 / L.12	Change "teamwork" to "team work"	Transcription error
P.48 / L.16	Change "teamwork" to "team work"	Transcription error
P.53 / L.4	Change "Criminal SuperSearches of" to	Transcription error
	"Criminal SuperSearch from"	•
P.53 / L.5	Change "product" to "products"	Transcription error
P.62 / L.14	Change "use" to "user"	Transcription error
P.66 / L.25	Change "Hillard" to "Hilliard"	Transcription error
P.81 / L.8	Change "particular" to "familiar"	Transcription error
P.82 / L.15	Change "did the base" to "database"	Transcription error
P.87 / L.3	Change "is cross" to "across"	Transcription error
P.91 / L.20	Change "my" to "any"	Transcription error
P.94 / L.11	Change "record" to "records"	Transcription error
P.103 / L.8	Delete "to" bewteen "orders" and "in"	Transcription error
P.107 / L.5	Change "criminal record" to "Criminal Record"	Transcription error
P.116 / L.7	Change "Charge description: Los Angeles Superior Court index data" to "Charge Description: LOS ANGELES SUPERIOR COURT INDEX DATA"	Transcription error
P.116/L.10	Chagne "Disposition date not provided" to "Disposition Date: NOT PROVIDED"	Transcription error
P.116 / L.24	Change "note" to "node"	Transcription error

		The state of the s
P.129 / L.4	Change "account" to "county"	Transcription error
P.129 / L.6	Change "ore" to "order"	Transcription error
P.134 / L.,3	Change "possible" to "responsible"	Transcription error
P.142 / L.19	Change "an" to "and"	Transcription error
P.146 / L.8	Change "stream" to "string"	Transcription error
P.151 / L.20	Change "analog" to "and log"	Transcription error
P.173 / L.10	Change "cable chases" to "table cases"	Transcription error
P.173 / L.10	Change "cable charges" to "table	Transcription error
	charges"	
P.173 / L.16	Change "cable cases" to "table cases"	Transcription error
P.173 / L.20	Change "cable charges" to "table	Transcription error
	charges"	
P.173 / L.20-	Change "cable databases" to "table	Transcription error
21	databases"	
P.176 / L.22	Change "cable cases" to "table cases"	Transcription error
P.183 / L.1	Change "marketing" to "marking"	Transcription error
P.183 / L.22	Change "IntelliSearch" to "IntelliCorp"	Transcription error
P.186 / L.8	Insert "be" between "would" and "a"	Transcription error
P.186 / L.11	Change "impact" to "impacting"	Transcription error
P.190 / L.8	Change "sending" to "sense"	Transcription error
P.201 / L.6	Change "background chemistry" to	Transcription error
	"background industry"	
P.201 / L.9	Change "Do you believe in any" to "Have	Transcription error
	you been to any"	
P.201 / L.14	Change "chemistry" to "industry"	Transcription error

I, DAVID GARRETT, the witness herein, have read the transcript of my testimony and the same is true and correct, to the best of my knowledge. Any corrections and/or additions, if any, are listed above

David Garrett

2013 · 01 · 17

Date

2